

• Transferable Development Rights (TDRs)

Another effective tool for guiding growth, Transfer of Development Rights (TDR), has been implemented in a number of other states. It is less restrictive to rural landowners and, while the net results are comparable to those achievable with UGBs, landowners fare better because they continue to possess development rights which may be used either on their own land (at very low agricultural densities) or within designated "receiving areas" (typically service districts) at much higher densities. They therefore continue to enjoy economic benefits beyond that which their land produces with timber or farm products, and are given very strong incentives to sell their rights to developers in service districts rather than to exercise those rights on their own rural properties. However, the prospects are dim that Virginia's legislature will enact the necessary state enabling legislation authorizing counties to use TDRs as a method of managing growth more effectively. As a result, counties such as Fauquier must look for alternative ways of accomplishing their rural conservation objectives.

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• "Density Exchange Options"

This approach, pioneered in Howard County, Maryland, is similar to the "Transfer of Development Rights" (which is not authorized by Virginia law). However, unlike TDR, the "Density Exchange Option" does not involve the designation of specific "sending" or "receiving" areas. Whether or not this distinction makes it legally more achievable under current Virginia law, this approach has been politically more popular than TDR in some parts of Maryland because the absence of mapped receiving districts avoids upsetting potential neighbors of those districts at the time the technique is adopted.

Two sets of written criteria define the characteristics of lands from which development rights may be purchased for use elsewhere, and other lands on which such rights may be used. Characteristics of "sending" properties typically include the features that the County wishes to protect (such as prime farmland, scenic views, mature woodlands, significant habitats, etc.). Another characteristic might be proximity to existing conservation properties, to provide additional buffering and/or to enlarge a block of protected land. "Receiving" properties would have different attributes, such as the absence of special natural or cultural features worthy of protection, plus the presence of utilities (or good soils

for septic systems), and contiguity or nearness to other developed parcels. The objective of this approach is to encourage the relocation of proposed subdivisions from developable rural areas that should ideally be kept in resource use, to other areas that are already partly or substantially developed, where new subdivisions would not create such an obvious intrusion into the countryside. (For further details, readers are referred to pages 303-305 from *Rural by Design*, reproduced in the Appendix to this report.)

• Landowner Compacts/ Interparcel Division Transfers

This approach is not currently prohibited or mentioned in the zoning ordinance but in practice is discouraged by density penalties. A "Landowner Compact" is a voluntary agreement among two or more adjacent landowners to essentially dissolve their common, internal lot lines, and to plan their several parcels in an integrated, comprehensive manner. The principal advantage of Landowner Compacts is that areas for development and conservation could be located so that they would produce the greatest benefit, allowing development to be distributed in ways that would preserve the best parts of the combined properties.

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To take a very simplified example, all the development that would ordinarily occur on two adjoining parcels could be grouped on the one containing the best soils or slopes, or having the least significant woodland or habitat, leaving the other one entirely undeveloped. The two landowners would share net proceeds proportionally, based upon the number of houselots each could have developed independently. Such compacts could involve any number of parcels, with potential conservation and development areas being identified more rationally with respect to the location of resources and opportunities, rather than being unlimited and unnecessarily constrained by internal boundary lines between the parcels involved. The chief impediment to Landowner Compacts (besides the density penalty) is that situations rarely arise when adjoining owners have the need or desire to develop their land at the same time.